



Attorney Docket 183-U.S.

AF #42

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant: Algirdas A. Underys

Serial No.: 08/991,113

Filing Date: December 16, 1997

Title: **Heat Treatment Method and
Apparatus**

On appeal from:

Group 1742

The Honorable Commissioner
of Patents and Trademarks
Washington, DC 20231

ON APPEAL

Appeal No. 2001-0359

RECEIVED
JAN 28 2005
OPIPE / JCWS
RECEIVED
2005 JAN 21 PM 2:31
BOARD OF PATENT APPEALS
AND INTERFERENCES

**LETTER TRANSMITTING A
"TERMINAL DISCLAIMER
TO OBLIGATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT"**

We transmit herewith a **TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT**, said prior patent being Patent
Number 6,398,885.

The current assignee of the instant application is A. Finkl & Sons Co. of Chicago, Illinois, a
Delaware corporation, as shown in the records of the Assignment Division of the U.S. PTO at Reel
9004, Frame 0347.

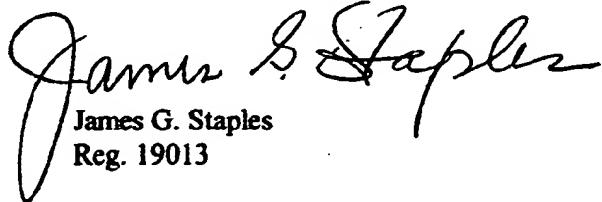
The current owner of U.S. Patent 6,398,885 is A. Finkl & Sons Co. of Chicago, Illinois, a Delaware corporation, as is shown in the records of the Assignment Division of the U.S. PTO at Reel 9825, Frame 1080.

In addition, a copy of this Letter Transmitting a "Terminal Disclaimer To Obviate A Double Patenting Rejection Over a Prior Patent" is hereby simultaneously filed to which is attached applicant's check in the amount of \$55 in payment of the statutory disclaimer fee required by 37CFR 1.20(d).

Applicant is a small entity.

Respectfully submitted,

A. FINKL & SONS CO.



James G. Staples
Reg. 19013

A. Finkl & Sons Co.
2011 North Southport Avenue
Chicago, IL 60614
(773) 975-2235
(773) 975-2636 (fax)

JAN 21 2005
USPTO
TRADEMARK OFFICE
SCB

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT

Docket Number
183 U.S.

re Application of: Algirdas A. Underys
Application No.: 08/991,113
Filed: December 16, 1997
For: Heat Treatment Method and Apparatus

The owner, A. Finkl & Sons Co., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,398,885. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later, expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

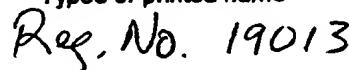
1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.) the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record.


Signature Jan 18, 2005
Date


Typed or printed name


Reg. No. 19013

Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comment about the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.